IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

MONDAY, THE 15TH OCTOBER 2007 / 23RD ASWINA 1929

WP(C).No. 25982 of 2007(R)

PETITIONER:

DITTO K.JOHN, S/O.ULAHANNAN, KALLOLIKAL,
ALAKODE AMSOM, ARANGAM DESOM, UDAYAGIRI P.O.
KANNUR DISTRICT.

BY ADV. SRI.O.V.MANIPRASAD

RESPONDENTS:
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1. THE DEPUTY DIRECTOR OF DAIRY
DEVELOPMENT, KANNUR.

2. THE UDAYAGIRI KSHEEROLPADAKA
CO-OPERATIVE SOCIETY LIMITED,
NO.C.1561D, APCOS, UDAYAGIRI P.O.
ALAKODE, KANNUR DISTRICT.
REPRESENTED BY IT'S SECRETARY.

3. THE PRESIDENT,
THE UDAYAGIRI KSHEEROLPADAKA CO-OPERATIVE
SOCIETY LIMITED, NO.1561 D, APCOS, UDAYAGIRI P.O
ALAKODE, KANNUR DISTRICT.

4. RANI C BENNY,
SECRETARY, UDAYAGIRI KSHEEROLPADAKA CO-OPERATIVE
SOCIETY LIMITED, UDAYAGIRI P.O. ALAKODE,
KANNUR DISTRICT.

BY GOVT. PLEADER SMT.ANU SIVARAMAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 15/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.M.JOSEPH, J.

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WP.(C) No.25982 of 2007

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Dated this the 15th day of October, 2007

JUDGMENT

Petitioner has approached this court challenging Exts.P6 and P7. Brief case of the petitioner is as follows:

Petitioner is a member of the second respondent Society. He is supplying large quantity of milk to the second respondent Society. The Secretary of the Society and petitioner are not in good terms. There are cases pending against the Secretary instituted by the petitioner. Ext.P6 is the notice issued by the second respondent. Ext.P6 is challenged as being in violation of Section 16 of the Co-operative Societies Act and Rule 18 of the Rules. Rule 18 provides for issuance of 15 days notice for expulsion of a member from the society. Rule 18 further provides that after affording an opportunity of hearing, if the member so wishes, if a decision is taken to expel the member, General Body Meeting has to be convened and the General Body has to take a decision in the matter. It is pointed out that Ext.P6 would show that it is a notice calling upon the petitioner to give explanation within

seven days. More importantly it is pointed out that in Ext.P6 notice it is stated that a decision will be taken in the meeting of the General Body on 31.8.2007. In other words, it is pointed out that the question as to whether the matter should be decided by the General Body can be considered only after considering the explanation, if any, given by the petitioner. Even before that the Committee has decided that the General Body Meeting will be called. This is obviously opposed to the terms of Rule 18.

In such circumstances, I feel that the petitioner is entitled to succeed and I declare that Ext.P6 is contrary to Rule 18. However, I make it clear that this will not stand in the way of the respondents proceeding against the petitioner, if so advised, in accordance with law.

The writ petition is disposed of as above.

(K.M. JOSEPH, JUDGE)

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